

REMARKS/ARGUMENTS

Claims 2-5, 11-22 and 24-32 are pending in the current application. Claims 16-19 and 25-32 were withdrawn as being drawn to nonelected inventions. Claims 1 and 6-10 are cancelled herein.

Claim 2 has been rewritten in independent form. Claims 3, 11-14, 20 and 22 have been amended to depend from Claim 2, instead of Claim 1. Support for these amendments may be found throughout the specification, including in the originally filed claims.

Double Patenting

Claims 1-3, 6, 8-10, 12-15 and 24 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 23, 27, 28, 30-35 and 40 of copending Application No. 10/533,462. As both the present application and copending Application 10/533,462 have the same PCT priority date of October 30, 2003, Applicants respectfully submit that issuance of the present application will not create an “unjustified or improper timewise extension of the right to exclude granted by a patent.” M.P.E.P. 804. Without reaching the merits of the rejection, Applicants respectfully request that this provisional obviousness-type double patenting rejection of Claims 1-3, 6, 8-10, 12-15 and 24 be withdrawn.

Claims 1-3, 6, 8-10 and 14 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 26, 34 and 36-41 of copending Application No: 11/587,023. Applicants respectfully submit that Application No. 11/587,023 has a PCT priority date of April 25, 2005, almost 1 ½ years after the PCT priority date of this case. Applicants respectfully submit that issuance of their earlier filed application will not create an “unjustified or improper timewise extension of the right to exclude granted by a patent.” M.P.E.P. 804. Without reaching the merits of the rejection, Applicants respectfully request that this rejection of Claims 1-3, 6, 8-10 and 14 be withdrawn.

Claim Rejections

35 U.S.C. 103

Claims 1-15, 20-22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boutriau et al. (WO 02/00249 A2), Kurikka et al. (Journal of Pediatrics, 1996) , Truong-Le, Vu (US 7,135,180 B2) and Volken et al. (US 6,051,238). Applicants respectfully submit that Boutriau et al. shall not preclude patentability under 35 U.S.C. 103(a) as this application and Boutriau et al. were subject to an obligation of assignment to the same business entity at the time this invention was made. 35 U.S.C. 103(c)(1). M.P.E. P. 706.02(l)(2). The name of the private company SmithKline Beecham Biologicals S.A. (the assignee of Boutriau et al.) was changed to GlaxoSmithKline Biologicals S.A. (the assignee of this application). Therefore, Boutriau et al. and the present invention are commonly owned. Applicants respectfully request that this rejection be withdrawn.

A copy of the Certificate of Name Change is attached for the Examiner's convenience.

Claim Objections

Claims 1 and 20 were objected to because of the following informalities: the acronyms for Inactivated Polio Virus (IPV) and Diphtheria, tetanus and *Bordetella pertussis* (DTP) should be stated in full the first time they appear in the claims. Claim 1 is cancelled. However, Applicants have so modified Claim 2 and Claim 20. Applicants respectfully request that this objection be withdrawn.

CONCLUSION

Should any outstanding issues remain, the Examiner is encouraged to contact Applicants' undersigned representative.

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